

***Remarks***

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 2-10, 12, 13 and 27-29 are pending in the application, with claims 2, 4, 5, 6, 12, 13, 27 and 29 being the independent claims. Claims 1, 11, 14-26, 30-50 and 65-76 are sought to be cancelled without prejudice to or disclaimer of the subject matter therein. Claims 2, 4-6, 9, 12, 13, 28 and 29 are sought to be amended. No new matter is added by way of these amendments. It is respectfully requested that the amendments be entered and considered.

Based on the above amendments and the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding rejections and that they be withdrawn.

***I. Support for Amended Claims***

Support for the amendment to claims 2, 4, 5, 6, 12 and 13 can be found throughout the specification, for example, at page 25, line 24, through page 26, line 9, and at page 57, line 25, through page 58, line 17.

Support for the amendments to claims 9, 28 and 29 can be found throughout the specification, for example, in claims 9, 28 and 29 as originally filed.

## ***II. Priority***

The Examiner stated that "Applicant has not complied with one or more conditions for receiving the benefit of an earlier filing date under 35 U.S.C. 120 and 119(e)" because the priority claim in the specification was found at line 10 of the first page of the specification rather than in the first sentence of the specification. *See* Office Action, pages 4-5.

The Examiner noted that "[a]n application in which the benefits of an earlier application are desired must contain a specific reference to the prior application(s) **in the first sentence** of the specification or in an application data sheet (37 C.F.R. 1.78(a)(2) and (a)(5))." *See* Office Action, page 4 (emphasis in original).

Applicants point out that 37 C.F.R. § 1.78(a)(2)(iii) states that the required reference to earlier applications for which priority is claimed "must be included *in an application data sheet* (§ 1.76), or the specification must contain or be amended to contain such reference in the first sentence following the title." (Emphasis added.) An application data sheet setting forth the prior applications for which priority is claimed was included with the present application when it was filed on January 23, 2002. Thus, by timely submitting an application data sheet, Applicants have fully complied with the requirements for claiming priority to earlier filed applications.

In addition, Applicants note that the specification has now been amended so that the "Cross-Reference to Related Applications" is found immediately after the title of the invention on page 1.

### ***III. Objection to Specification***

The Examiner noted that "neither figure 6 nor the short description of the figure contains a sequence identifier for the sequence displayed in the drawing." *See* Office Action, page 5. Applicants have amended the description of Figure 6 so that it refers to the appropriate sequence identifier. The present application is now in full compliance with the requirements of 37 C.F.R. §§ 1.821-1.825.

### ***IV. Claim Rejections Under 35 U.S.C. § 102***

Claims 1-10, 12, 13 and 27-29 were rejected under 35 U.S.C. § 102(b) as being anticipated by NCBI entry CAA 01532 (1994) ("NCBI"). *See* Office Action, page 6. Applicants respectfully traverse this rejection.

Claims 2-10, 12 and 13 are directed to anti-LRP-A $\beta$  molecules or peptides. The anti-LRP-A $\beta$  molecules or peptides comprise an A $\beta$  binding domain and an LRP binding domain. As currently presented, the claims specify that the anti-LRP-A $\beta$  molecules or peptides do not comprise SEQ ID NO:4. Applicants note that SEQ ID NO:4 is the amino acid sequence of the *entire* A $\beta$  and LRP binding domains of  $\alpha_2$ M. (*See* specification, page 25, lines 27-29.) Thus, the anti-LRP-A $\beta$  molecules and peptides encompassed by claims 2-10, 12 and 13 do not comprise an entire A $\beta$  binding domain and an entire LRP binding domain of  $\alpha_2$ M.

Claims 27-29 are directed to pharmaceutical compositions comprising an anti-LRP-A $\beta$  molecule or peptide, and one or more pharmaceutically acceptable carriers.

The anticipation rejection is based on the Examiner's assertion that the claims "read on alpha 2-macroglobulin previously disclosed in the art." *See* Office Action, page 6. As explained below, none of the currently presented claims read on the previously disclosed  $\alpha_2$ M molecule.

An anticipation rejection under 35 USC § 102 requires a showing that each limitation of a claim is found in a single reference, practice, or device. *See In re Donohue*, 766 F.2d 531, 226 USPQ 619, 621 (Fed. Cir. 1985). The  $\alpha_2$ M molecule, by definition, contains an entire A $\beta$  binding domain and an entire LRP binding domain. NCBI, therefore, does not teach an anti-LRP-A $\beta$  molecule or peptide that does not comprise an entire A $\beta$  binding domain and an entire LRP binding domain of  $\alpha_2$ M (*i.e.*, SEQ ID NO:4). Accordingly, NCBI does not teach all of the elements of claims 2-10, 12 and 13.

Moreover, NCBI does not teach a pharmaceutical composition comprising an anti-LRP-A $\beta$  molecule or peptide and *one or more pharmaceutically acceptable carriers*. Thus, NCBI does not teach all of the elements of claims 27-29.

Since NCBI does not teach all of the elements of any of the currently presented claims, NCBI cannot and does not anticipate claims 2-10, 12, 13 and 27-29. Applicants respectfully request that the rejection under 35 U.S.C. § 102 be reconsidered and withdrawn.

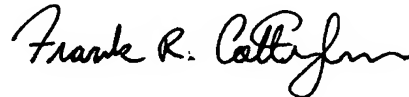
***Conclusion***

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

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